

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:16-CV-00164-RLV-DSC**

NEW HICKORY PIZZA, INC.,     )  
D/B/A/ DOMINO'S PIZZA,     )  
                                      )  
          Plaintiff,             )  
                                      )  
v.                                 )  
                                      )  
TIG INSURANCE COMPANY,     )  
                                      )  
          Defendant,          )  
\_\_\_\_\_                      )

**ORDER**

**THIS MATTER** is before the Court on Defendant's "Motion to Dismiss" (document # 5) filed October 5, 2016, and Plaintiff's "Motion to Amend ... Complaint" (document #7) filed October 19, 2016.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B) (emphasis added).

Plaintiff filed its "Motion to Amend ... Complaint" (document #7) fourteen days after Defendant filed its Motion to Dismiss. Consequently, Plaintiff may amend as a matter of course.

Fed. R. Civ. P. 15(a)(1)(B).

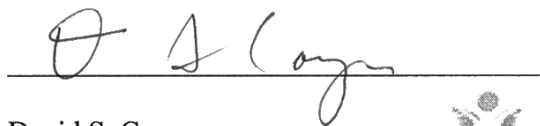
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

**IT IS HEREBY ORDERED** that:

1. Plaintiff's "Motion to Amend ... Complaint" (document #7) is **GRANTED**. Plaintiff shall file its Amended Complaint within ten days of this Order.
2. Defendant's "Motion to Dismiss" (document #5) is **DENIED** administratively as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Richard L. Voorhees.

**SO ORDERED.**

Signed: November 21, 2016

A handwritten signature in black ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

